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Ex-CIA chief wins costs in Westmoreland-CBS case

Associated Press

WASHINGTON — Former CIA Director Richard Helms should be reimbursed by CBS for costs and attorney's fees he incurred by refusing to give a videotaped deposition in a libel suit against the television network, a federal appeals court ruled yesterday.

The suit itself, in which Gen. William C. Westmoreland sought \$120 million from CBS, was not at issue in the case before the U.S. Court of Appeals. That suit was settled in February after a trial but before it was submitted to the jury.

While preparing its case, CBS subpoenaed Helms and he appeared for a deposition Feb. 22, 1984. But he refused to have his testimony videotaped and attorneys for CBS petitioned a district court to have him held in contempt. The network lost and both parties asked to be awarded court costs, which were denied. Helms appealed.

Appeals Court Orders CBS To Pay Helms's Fees in Suit

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WASHINGTON, Aug. 20 (UPI) — A Federal appeals court today ordered CBS to pay attorney fees to Richard Helms, a former Director of Central Intelligence, for what the court said were the "groundless litigation tactics" used by the network in the libel suit of Gen. William C. Westmoreland.

The ruling by a panel of the United States Circuit Court of Appeals for the District of Columbia involves one of the residual legal issues of the suit, which was dropped by General Westmoreland before it went to the jury.

Writing for the court, Judge George MacKinnon said that CBS should refund Mr. Helms the attorney fees and appeal costs incurred when he defended a contempt-of-court motion. No estimate of the amount of money

involved was mentioned.

James Noonan, a spokesman for CBS, said the network's attorneys had not yet been able to review the ruling and had no comment.

CBS charged Mr. Helms with contempt when he refused to be videotaped during a pretrial interview, even though he had consented to questioning in the presence of a stenographer.

"This case illustrates the need for imposing judicial sanctions against groundless litigation tactics," the appeals court said. "In seeking to have Helms found in contempt of court here, the petition was ill-founded" and violated trial rules.

The Westmoreland trial began in Federal District Court in Manhattan on Oct. 9, 1984. It ended 18 weeks later with General Westmoreland with-

drawing his claim that CBS libeled him in a 1982 documentary, "The Uncounted Enemy: A Vietnam Deception."

The documentary stated that General Westmoreland's command conspired to underestimate reports of enemy troop strength before the Tet offensive in January 1968. General Westmoreland was the commander of United States troops in Vietnam from 1964 to 1968.

CBS had wanted to question Mr. Helms about the issue. Mr. Helms, who served as C.I.A. director from 1966 to 1973, showed up for the scheduled interview at CBS offices, but left when he found television cameras awaiting him.